

AO 440 (Rev. 01/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

Barry Woods,

Plaintiff

v.

Check Recovery Services,

Defendant

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)
)
)
)
)

Civil Action No. 4:09-cv-2711

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Check Recovery Services
255 Great Arrow Avenue, Suite 4
Buffalo, NY 14207

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Diana P. Larson
440 Louisiana Street, Suite 900
Houston, TX 77002

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Bary Woods

Plaintiff

AFFIDAVIT OF SERVICE

Check Recovery Services

Defendant

Erie County, State of: New York Catherine Forbush being sworn,
 says: Deponent is not a party herein; is over the age of 18 years and resides in the State of New York

On 9/30/09 at 12:15p am / pm at: 225 Great Arrow Drive - Suite 4 - Buffalo, NY

Deponent served the within Summons & Complaint

On: Check Recovery Services (herein after called the recipient) therein named.

- ☐ **Individual** By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ **Suitable Age person** by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendants ☐ Actual Place of Residence ☒ Actual Place of Business within the State
- ☐ **Affixing to Door** By affixing a true copy of each to the door of said premises which is defendants ☐ Actual Place of Residence ☐ Actual Place of Business, within the State
 Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there
- ☒ **Corporation or Partnership** by delivering thereat a true copy of each to Josh Kalez personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said aforementioned document as said defendant and knew said individual to be Manager & Authorized thereof.
- ☐ **Mailing** Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known ☐ Actual Place of Residence ☐ Actual Place of Business, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ **Description**
- | | | | | | |
|--|--|--|---|---|--|
| <input checked="" type="checkbox"/> Male | <input checked="" type="checkbox"/> white skin | <input type="checkbox"/> black hair | <input type="checkbox"/> 14-20 Yrs | <input type="checkbox"/> Under 5' | <input type="checkbox"/> Under 100 Lbs |
| <input type="checkbox"/> Female | <input type="checkbox"/> black skin | <input checked="" type="checkbox"/> brown hair | <input checked="" type="checkbox"/> 21-35 Yrs | <input type="checkbox"/> 5'0"-5'3" | <input type="checkbox"/> 100-130 Lbs |
| | <input type="checkbox"/> yellow skin | <input type="checkbox"/> gray hair | <input type="checkbox"/> 36-50 Yrs | <input type="checkbox"/> 5'4"-5'8" | <input type="checkbox"/> 131-160 Lbs |
| | <input type="checkbox"/> brown skin | <input type="checkbox"/> blonde hair | <input type="checkbox"/> 51-65 Yrs | <input type="checkbox"/> 5'9"-6'0" | <input type="checkbox"/> 161-200 Lbs |
| | <input type="checkbox"/> red skin | <input type="checkbox"/> red hair | <input type="checkbox"/> Over 65 Yrs | <input checked="" type="checkbox"/> Over 6' | <input checked="" type="checkbox"/> Over 200 Lbs |

Other Identifying Features

- ☐ **Military Service** I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.
- ☐ Subpoena Fee Tendered in the amount of
- ☒ upon information and belief the defendant @ the time of service was not in active US military duty

Sworn to before me on 10/2/09

Catherine Forbush



Tara C. Rinaldi
 Notary Public
 Qualified in Erie County, NY
 My Commission Expires 03/02/2013